

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

ROBIN JAFFE,)
)
Plaintiff,)
v.) CASE NO. 3:07-cv-161-MEF
)
(WO
VINCENT OLIVIERI,)
)
Defendant.)

MEMORANDUM OPINION AND ORDER

This cause is before the Court on Plaintiff's Motion to Supplement the Complaint (Doc. #5) and Motion to Remand (Doc. # 6), both filed on March 13, 2007. Having considered the pleadings, briefs, and arguments of the parties, the Court finds that Plaintiff's Motions are due to be GRANTED.

In his Motion to Supplement the Complaint, Plaintiff seeks to add an allegation that his damages do not exceed \$74,000.00, inclusive of all damages, costs, and interest. Defendant stipulates that the Motion is due to be granted (*see* Doc. # 10), and the Court agrees.

The Court turns to the Motion to Remand. In the Response to Show Cause Order and Joint Stipulation of the Parties (Doc. # 10), Plaintiff stipulates that his alleged damages do not exceed \$74,000.00, inclusive of all damages, costs, and interest. Plaintiff further stipulates that he will not now or in the future seek an amount greater than \$74,000.00 in any action arising out of the facts or occurrences alleged in the Complaint and Supplemental Complaint. Based on Plaintiff's stipulations, Defendant stipulates that this action is due to

be remanded.

This Court has considered the parties' stipulations regarding the amount in controversy when determining whether a motion to remand should be granted. *See Moss v. Voyager Ins. Cos.*, 43 F. Supp. 2d 1298, 1303 (M.D. Ala. 1999) (DeMent, J.) ("[T]he court finds that Plaintiff's Stipulation clarifies the Complaint by identifying that the amount in controversy will not be in excess of \$75,000."). A stipulation may establish that the amount in controversy requirement is not met. *See id.* at 1304 ("[B]ecause Plaintiff is the master of her own claims and has stipulated that she will neither seek nor accept damages in excess of \$75,000, the court finds that Plaintiff's Motion to Remand is due to be granted."). The Court concludes that the stipulation here is sufficient to demonstrate that the amount in controversy requirement is not met in this case. Accordingly, Plaintiff's Motion to Remand is due to be GRANTED.

For the foregoing reasons, it is hereby ORDERED that:

1. Plaintiff's Motion to Supplement the Complaint (Doc. #5) is GRANTED.
2. Plaintiff's Motion to Remand (Doc. # 6) is GRANTED.
3. This action is REMANDED to the Circuit Court of Lee County, Alabama.
4. The Clerk is DIRECTED to take appropriate steps to effect the remand.

DONE this the 16th day of April, 2007.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE